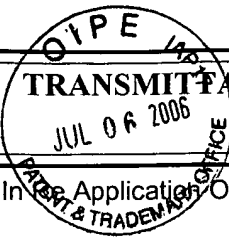


07-07-06

CPCW

 TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. 15436.247.11.1	
In Application Of: Hofmeister et al.					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/697,395	October 30, 2003	Kenneth J. Malkowski	022913	2633	7465
Title: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES					
<p style="text-align: center;">Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p style="text-align: center;">37 CFR 1.97(b)</p> <p>1. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p style="text-align: center;">37 CFR 1.97(c)</p> <p>2. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <p style="margin-left: 40px;"><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p style="text-align: center;">OR</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p>					

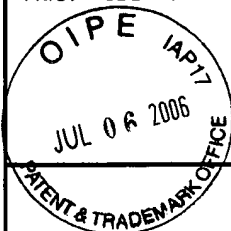
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15436.247.11.1

In Re Application of: Hofmeister et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/697,395	October 30, 2003	Kenneth J. Malkowski	022913	2633	7465

Title: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES



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(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

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Dated: July 6, 2006

Peter F. Malen, Jr.
Attorney for Applicants
Reg. No. 45,576
Telephone No. 801-533-9800

cc:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Hofmeister et al.

Docket No.

15436.247.11.1

Application No.

10/697,395

Filing Date

October 30, 2003

Examiner

Kenneth J. Malkowski

Customer No.

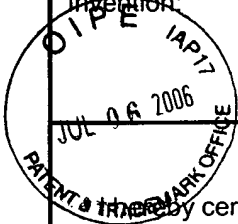
022913

Group Art Unit

2633

Invention:

AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES



I hereby certify that the following correspondence:

Information Disclosure Statement (2 pgs); Form 1449 (8 pgs); copies of 31 non-patent references; Transmittal Letter (2 pgs in duplicate); Credit Card Payment Form and Postcard

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Hofmeister et al.

) Art Unit
) 2633

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Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is

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presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed non-patent references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations known by the undersigned to be within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

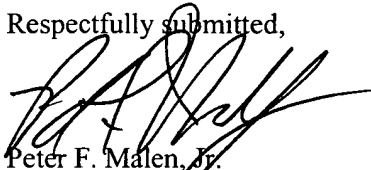
Since all listed references are either in the English language, or are accompanied by either a translation into English, or an English language Abstract, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Submission Fee
Under 37 C.F.R. § 1.97(c)

In accordance with 37 C.F.R. § 1.97(c), payment in the amount of \$180.00 to cover the submission fee is enclosed to secure consideration of the references submitted with this Information Disclosure Statement. Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 6TH day of July, 2006.

Respectfully submitted,



Peter F. Malen, Jr.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone No. 801-533-9800

PFM/gpm

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC
DEVICESINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
___ 1	4,359,553	11/16/1982	Edwards
___ 2	4,378,451	03/29/1983	Edwards
___ 3	4,687,924	08/18/1987	Galvin et al.
___ 4	4,734,914	03/29/1988	Yoshikawa
___ 5	4,747,091	05/24/1988	Doi
___ 6	4,809,286	02/28/1989	Kollanyi et al.
___ 7	4,916,707	04/10/1990	Rosenkranz
___ 8	5,019,769	05/28/1991	Levinson
___ 9	5,039,194	08/13/1991	Block et al.
___ 10	5,041,491	08/20/1991	Turke et al.
___ 11	5,268,949	12/07/1993	Watanabe et al.
___ 12	5,287,375	02/1994	Fujimoto
___ 13	5,334,826	08/02/1994	Sato et al.
___ 14	5,383,208	01/17/1995	Queniat et al.

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Date Considered:

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Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC
DEVICES

_____ 15	5,392,273	02/21/1995	Masaki et al.
_____ 16	5,396,059	03/07/1995	Yeates
_____ 17	5,448,629	09/05/1995	Bosch et al.
_____ 18	5,516,563	05/14/1996	Schumann et al.
_____ 19	5,557,437	09/17/1996	Sakai et al.
_____ 20	5,574,435	11/12/1996	Mochizuki
_____ 21	5,576,877	11/19/1996	Aulet et al.
_____ 22	5,594,748	01/14/1997	Jabr
_____ 23	5,604,758	02/1997	AuYeung et al.
_____ 24	5,673,282	09/30/1997	Wurst
_____ 25	5,748,672	05/1998	Smith et al.
_____ 26	5,761,216	06/02/1998	Sotome et al.
_____ 27	5,801,866	09/01/1998	Chan et al.
_____ 28	5,812,572	09/22/1998	King et al.
_____ 29	5,926,303	07/20/1999	Giebel et al.
_____ 30	5,953,690	09/14/1999	Lemon et al.
_____ 31	5,956,168	09/21/1999	Levinson et al.
_____ 32	5,966,395	10/1999	Ikeda
_____ 33	6,049,413	04/2000	Taylor

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Date Considered:

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Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC
DEVICES

_____ 34	6,055,252	04/2000	Zhang
_____ 35	6,064,501	05/16/2000	Roberts et al.
_____ 36	6,157,022	12/05/2000	Meada et al.
_____ 37	6,160,647	12/12/2000	Gilliland et al.
_____ 38	6,175,434	01/2001	Feng
_____ 39	6,188,059	02/13/2001	Nishlyama et al.
_____ 40	6,198,558	03/2001	Graves et al.
_____ 41	6,205,505	03/20/2001	Jau et al.
_____ 42	6,222,660	04/24/2001	Traa
_____ 43	6,229,788	05/2001	Graves et al.
_____ 44	6,292,497	09/2001	Nakano
_____ 45	6,313,459	11/2001	Hoffe et al.
_____ 46	6,423,963	07/23/2002	Wu
_____ 47	6,473,224	10/29/2002	Dugan et al.
_____ 48	6,512,617	01/28/2003	Tanji et al.
_____ 49	6,519,255	02/2003	Graves
_____ 50	6,526,076	02/2003	Cham et al.
_____ 51	6,570,149	05/2003	Maruyama et al.
_____ 52	6,594,050	07/2003	Jannson et al.

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Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

_____ 53	6,631,146	10/07/2003	Pontis et al.
_____ 54	6,643,472	11/2003	Sakamoto et al.
_____ 55	6,661,836	12/2003	Dalal et al.
_____ 56	6,694,462	02/2004	Reis et al.
_____ 57	6,748,181	06/2004	Miki et al.
_____ 58	6,937,949	08/30/2005	Fishman et al.
_____ 59	6,941,077	09/06/2005	Aronson et al.
_____ 60	6,952,531	10/04/2005	Aronson et al.
_____ 61	7,020,567	03/28/2006	Fishman et al.
_____ 62	7,058,310	06/06/2006	Aronson et al.

U.S. Published Patent Application Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Pub. Date</u>	<u>Name</u>
_____ 63	2001/0046242	11/29/2001	Kawakami et al.
_____ 64	2001/0046243	11/29/2001	Schie
_____ 65	2002/0027688	03/07/2002	Stephenson
_____ 66	2002/0097468	07/25/2002	Mecherle et al.
_____ 67	2002/0101641	08/2002	Kurchuk

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Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC
DEVICES

_____ 68	2002/0105982	08/2002	Chin et al.
_____ 69	2002/0129379	09/2002	Levinson et al.
_____ 70	2002/0149821	10/17/2002	Aronson et al.
_____ 71	2002/0181519	12/2002	Vilhelmsson et al.
_____ 72	2002/0181894	12/05/2002	Gilliand et al.
_____ 73	2003/0110509	06/2003	Levinson et al.
_____ 74	2003/0113118	06/19/2003	Bartur
_____ 75	2003/0169790	09/11/2003	Chieng et al.
_____ 76	2003/0210917	11/13/2003	Stewart et al.
_____ 77	2004/0076113	04/22/2004	Aronson et al.
_____ 78	2004/0120720	06/24/2004	Chang et al.
_____ 79	2004/0153913	08/05/2004	Fishman et al.
_____ 80	2004/0202210	10/14/2004	Thornton
_____ 81	2004/0240886	12/02/2004	Aronson et al.
_____ 82	2004/0253003	12/2004	Farmer et al.
_____ 83	2005/0031352	02/10/2005	Light et al.
_____ 84	2005/0058455	03/17/2005	Hosking et al.

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Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
_____ 85	JP 402102589 A	04/16/1990	Japan
_____ 86	JP 404023373 A	01/1992	Japan
_____ 87	06209209 A	07/26/1994	Japan (Abstract)
_____ 88	09162811 A	06/20/1997	Japan (Abstract)
_____ 89	WO 98/00893	01/08/1998	PCT
_____ 90	WO 98/00943	08/01/1998	PCT
_____ 91	EP0745868B1	04/17/2002	EPO
_____ 92	PCT/US02/03226	05/09/2002	PCT (search report)
_____ 93	WO 02/063800 A1	08/15/2002	PCT
_____ 94	EP 02704344	10/05/2004	EPO (search report)
_____ 95	EP 04017254	10/05/2004	EPO (search report)
_____ 96	WO/2004/098100	11/11/2004	PCT
_____ 97	EP 1471671 A2	12/27/2004	EPO
_____ 98	JP 58140175 A (abstract)	08/19/1983	Japan
_____ 99	JP 62124576 A (abstract)	06/05/1987	Japan
_____ 100	JP 62235975 A (abstract)	10/16/1987	Japan
_____ 101	JP 62281485 A (abstract)	12/07/1987	Japan

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Applicant: Hofmeister, et al.

Serial No.: 10/697,395

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Filing Date: October 30, 2003

Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC DEVICES

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

- _____ 102 Yi Cai et al., "Jitter testing for gigabit serial communication transceivers," Jan – Feb 2002, IEEE Design and Test of Computers, Vol. 19, Issue 1, pp 66-74.
- _____ 103 MAEDA, Noriyuki "Notification of Reason(s) for Refusal," Japanese Patent Application No. JP2002-563630, Nakamura, M. et al., July 13, 2005.
- _____ 104 Finisar Corp., "App. Note AN-2025: Using the Finisar GBIC I²C Test Diagnostics Port," 1998.
- _____ 105 Hausdorf, Reiner, "Mobile Transceiver Measurements with Radiocommunication Service Monitor CMS," News from Rohde & Schwarz, 127, IV, 1989, pp 4-7.
- _____ 106 Webopedia: The 7 Layers of the OSI Model [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://webopedia.internet.com/quick_ref/OSI_Layers.asp
- _____ 107 Webopedia.com: Public-Key Encryption [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://www.webopedia.com/TERM/p/public_key_cryptography.html
- _____ 108 Webopedia.com: MAC Address [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://www.webopedia.com/TERM/M/MAC_address.html
- _____ 109 Webopedia.com: 12C [online] [retrieved 11/11/03]. Retrieved from Internet: URL: <http://www.webopedia.com/TERM/I/12C.html>
- _____ 110 Manchester Encoding [online] [retrieved 11/12/03]. Retrieved from Internet: URL: <http://www.erg.abdn.ac.uk/users/gorry/course/phy-pages/man.html>
- _____ 111 Documentation entitled "IR Receiver ASSP: T2525", copyright 2003 by Atmel Corporation

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Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2633

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRONIC
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- _____ 112 Documentation entitled "IR Receiver for Data Communication: U2538B",
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- _____ 113 Documentation entitled "Low-Voltage Highly Selective IR Receiver IC: T2527",
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- _____ 114 Documentation entitled "Application Note: T2525/26/27", copyright 2003 by
Atmel Corporation
- _____ 115 *Optiport SFF BiDi-Transceiver 100 Mbit/s, 1310 nm Tx/1550 nm Rx*, Infineon
Technologies, June 22, 2004, pp. 1-14.

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

GPM0000002372V001

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